

**FIFTY-NINTH LEGISLATIVE DAY  
WEDNESDAY, MARCH 8, 2006**

WOOD, Secretary

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Shepherd(8), Wood. Total -- 2.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Nathan Barry, Page.

**Approval of Journal**

March 8, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the fifty-eighth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

March 7, 2006

Mr. Speaker:

I return herewith enrolled **H 477, H 488, H 436, H 453, H 462, H 464, H 414, H 454, H 556, H 577, H 446, H 448, H 447, H 415, H 476, H 575, and H 535** which have been signed by the President.

WOOD, Secretary

Enrolled **H 477, H 488, H 436, H 453, H 462, H 464, H 414, H 454, H 556, H 577, H 446, H 448, H 447, H 415, H 476, H 575, and H 535** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 7, 2006

Mr. Speaker:

I transmit herewith **S 1332**, as amended, **S 1409**, as amended, **S 1401, S 1414, and S 1415** which have passed the Senate.

WOOD, Secretary

**S 1332**, as amended, **S 1409**, as amended, **S 1401, S 1414, and S 1415** were filed for first reading.

March 7, 2006

Mr. Speaker:

I return herewith **H 571, H 574, H 536, H 591, H 592, H 700, H 701, H 564, H 566, H 465, H 560, H 578, H 452, H 585, H 586, H 471, H 461, H 444**, as amended, **H 473, H 459, and H 458** which have passed the Senate.

**H 571, H 574, H 536, H 591, H 592, H 700, H 701, H 564, H 566, H 465, H 560, H 578, H 452, H 585, H 586, H 471, H 461, H 444**, as amended, **H 473, H 459, and H 458** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 7, 2006

Mr. Speaker:

I return herewith **H 533**, as amended in the Senate, and **H 601**, as amended in the Senate, which have passed the Senate.

WOOD, Secretary

**H 533**, as amended in the Senate, and **H 601**, as amended in the Senate, were ordered held at the Desk.

Mr. Clark asked unanimous consent that the House concur in the Senate amendments to **H 533**, as amended in the Senate. There being no objection, it was so ordered.

Mr. Hart asked unanimous consent that the House concur in the Senate amendments to **H 601**, as amended in the Senate. There being no objection, it was so ordered.

**H 533**, as amended in the Senate, and **H 601**, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

**Report of Standing Committees**

March 8, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 61, HJM 21, H 771, H 772, H 773, H 774, H 775, H 776, H 777, H 778, H 779, H 780, H 781, H 782, H 783, H 784, H 785, H 786, H 787, HJR 6, and HJR 7**.

FIELD(18), Chairman

**HCR 61** was referred to the Education Committee.

**HJM 21** was referred to the Resources and Conservation Committee.

**H 771, H 772, H 773, H 774, H 775, and H 785** were referred to the Agricultural Affairs Committee.

**H 776** was referred to the Health and Welfare Committee.

**H 777, HJR 6, and HJR 7** were referred to the State Affairs Committee.

**H 778, H 780, H 781, H 786, and H 787** were referred to the Revenue and Taxation Committee.

**H 779** was referred to the Local Government Committee.

**H 784** was referred to the Business Committee.

**H 782** and **H 783** were filed for second reading.

March 8, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 40** and **HJM 12**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 40** and **HJM 12**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 8, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 39** and **HCR 31** to the Secretary of State at 10:48 a.m., as of this date, March 7, 2006.

FIELD(18), Chairman

March 6, 2006

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 719**, **H 738**, and **S 1389** and report them back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

**H 719**, **H 738**, and **S 1389** were placed on General Orders for consideration.

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 762**, **S 1335**, **S 1250**, **S 1251**, and **S 1252** and recommend that they do pass.

FIELD(18), Chairman

**H 762**, **S 1335**, **S 1250**, **S 1251**, and **S 1252** were filed for second reading.

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 709** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

**H 709** was placed on General Orders for consideration.

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **S 1385** and **S 1391** and recommend that they do pass.

STEVENSON, Chairman

**S 1385** and **S 1391** were filed for second reading.

March 7, 2006

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **HCR 55** and **H 723** and recommend that they do pass.

BLACK, Chairman

**HCR 55** and **H 723** were filed for second reading.

March 8, 2006

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **S 1379** and recommend that it do pass.

BARRACLOUGH, Chairman

**S 1379** was filed for second reading.

March 8, 2006

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 765**, **H 754**, **H 755**, and **H 757** and recommend that they do pass.

CROW, Chairman

**H 765**, **H 754**, **H 755**, and **H 757** were filed for second reading.

There being no objection, the House advanced to the Twelfth Order of Business.

### Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

### Report of the Committee of the Whole House

March 8, 2006

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **HJM 18**, **H 650**, **H 714**, **H 735**, **H 742**, **H 750**, **H 705**, **H 702**, **H 719**, **H 738**, **S 1389**, and **H 709** and report them back without recommendation, amended as follows:

### HOUSE AMENDMENT TO HJM 18

## AMENDMENT TO THE MEMORIAL

On page 1 of the printed memorial, in line 37, delete "contained in H.R. 1177".

## HOUSE AMENDMENTS TO H 650

## AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 37, following "quality," insert: "and such designation was made prior to the enactment of this act,"; in line 38, delete "may consider formation of" and insert: "may, upon petition, hold an election for establishment of".

On page 2, in line 1, following "Code" insert: ", provided all participating counties have held elections and voted in favor of establishment of, or participation in, an aquifer protection district"; in line 5, delete "that authorize its forma-"; in line 6, delete "tion" and insert: "in which it is formed"; and delete lines 13 through 54.

On page 3, delete lines 1 through 37 and insert:

"39-504. PETITIONS -- ELECTIONS -- MODIFICATION -- DISSOLUTION -- AUTHORITY. (1) The establishment of, or participation in, an aquifer protection district may be initiated by the filing of a petition signed by not fewer than fifty (50) qualified electors of any county in which an eligible aquifer is located and who reside within the boundaries of the proposed aquifer protection district. The petition shall be filed with the county clerk of the county in which the signers of the petition are resident. The petition shall designate the proposed boundaries of the aquifer protection district.

(2) Upon the filing of the petition, the county clerk shall promptly examine the petition and certify whether the required number of qualified petitioners have signed the petition. If the number of petition signers is sufficient, the county clerk shall transmit the certified petition to the board of county commissioners.

(3) Upon receipt of a duly certified petition the board of county commissioners shall give notice of an election to be held, which election shall be held at the same time as the primary or general election, in such proposed district for the purpose of determining whether or not the proposed district shall be established or whether or not the county shall participate in a district. Such notice shall include the date and hours of the election, the polling places, the general purposes of the proposed district, a description of lands to be included in the proposed district, and a statement that a map of the proposed district is available in the office of the board of county commissioners. The notice shall be published once each week for three (3) consecutive weeks prior to such election in a newspaper of general circulation within the county.

(4) The election shall be held and conducted consistent with the provisions of chapter 14, title 34, Idaho Code. The board of county commissioners shall appoint three (3) judges of election, one (1) of whom shall act as clerk for the election. At such election the electors shall vote for or against the establishment of, or participation in, the district.

(5) The judges of election shall certify the returns of the election to the board of county commissioners. If a majority of the votes cast at said election are in favor of the establishment of,

or participation in, the district, the board of county commissioners shall declare the district established and give it a name by which, in all proceedings, it shall thereafter be known.

(6) Procedures for boundary modification or dissolution of a district created pursuant to this section shall be in substantial compliance with the provisions for petition and election provided in this section.

(7) In the event a board of county commissioners declares a district established pursuant to the procedures prescribed by this section, the district shall be recognized as a legally established political subdivision of the state of Idaho. Unless otherwise limited by law, districts are authorized to work with and across the boundaries of all political subdivisions of the state of Idaho that are wholly or partially located within the external boundaries of the established aquifer protection district. Providing protection of a state-designated sensitive resource aquifer is a governmental function."

On page 3, in line 54, delete "and incur indebtedness, limited to the amount of rev-"; on page 4, in line 1, delete "enues anticipated in any single year" and insert: ", provided however, that borrowing shall be limited to the Idaho water resource board revolving development fund pursuant to section 42-1756, Idaho Code"; in line 25, delete "those characteristics as described"; delete lines 26 and 27; in line 28, delete "icy and budget advisory committee." and insert: "the following characteristics:

- (1) A representative of a municipal domestic water provider;
- (2) A representative of a water district;
- (3) A representative of an irrigation district;
- (4) A representative of a private water system;
- (5) A representative of a well recognized business organization;
- (6) A representative of a well recognized environmental organization;
- (7) A representative of the agricultural community;
- (8) A hydrologist or engineer; and
- (9) A citizen consumer."

in line 41, delete "appointment provisions pursuant to section 39-504, Idaho"; and in line 42, delete "Code" and insert: "the initial appointment".

## AMENDMENT TO THE BILL

On page 5, following line 16, insert:

"SECTION 2. That Section 42-1756, Idaho Code, be, and the same is hereby amended to read as follows:

42-1756. LOANS FROM ACCOUNT -- APPLICATION -- INVESTIGATION -- APPROVAL -- REPAYMENT -- STATEMENT -- FILING -- DEFAULT. (a) Any irrigation district, canal or irrigation company, water users' association, municipal corporation, municipality, private corporation, aquifer protection district, or, in special cases approved by the board, an individual may file an application with the board for a loan from the revolving account for the purpose of financing project costs. Such application shall be filed in such manner, and shall be in such form and be accompanied by such information as may be prescribed by the board; provided, however, that any such application filed with the board under the provisions of this act, shall:

- (1) Describe the nature and purpose(s) of the proposed

project.

(2) Set forth or be accompanied by a plan for development of the proposed project, together with such engineering and economic feasibility data and estimated costs of construction as may be required by the board.

(3) State whether money other than that for which application is made to the board will be used for project costs, and whether such money is available or has been sought for this purpose.

(4) Show that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands, and has or can acquire all water rights necessary for the construction, operation and maintenance of the proposed project, or that there exists sufficient water available for appropriation by proof of a permit issued by the director of the department of water resources.

(b) Upon receipt of an application, the board shall evaluate and, if it deems it to be necessary, investigate all aspects of the proposed project and the proposed construction thereof. As a part of such investigation, the board shall determine whether the plan for development of the project is satisfactory. If the board determines that the plan is unsatisfactory, it shall return the application to the applicant and may make such recommendations to the applicant as are considered necessary to make the plan satisfactory.

(c) The board may approve a loan for project costs if after investigation (if this is deemed necessary,) and evaluation it finds that:

- (1) The plan does not conflict with any extant Idaho state water plan;
- (2) The proposed project is feasible from an engineering standpoint and economically justified, with studies showing a favorable benefit to cost ratio;
- (3) The plan for development of the proposed project is satisfactory;
- (4) The applicant is qualified and responsible;
- (5) There is reasonable assurance that the borrower can repay the loan;
- (6) That money in the revolving account is available for the loan; and
- (7) That the loan does not exceed five hundred thousand dollars (\$500,000) unless legislative approval has been obtained.

(d) If the board approves a loan, the board and the applicant or applicants shall enter into an agreement for repayment to the revolving account of money loaned therefrom, together with interest thereon at reasonable rates as determined by the board. The agreement shall further provide that repayment of the loan, together with interest thereon, shall commence no later than one (1) full year after construction of the project is completed, and that repayment shall be completed within the time period specified by the board; provided that repayment to reserve accounts or guarantee funds shall be made as provided by order of the board. The repayment period shall not exceed sixty (60) years, except that the board may extend the time for making repayment in the event of emergency or hardship. Such agreement shall also provide for such assurances of, and security for, repayment of the loan as are considered necessary by the

board.

(e) The state shall have a lien upon a project constructed with money from the revolving account for the amount of the loan, together with the interest thereon. This lien shall attach to all project facilities, equipment, easements, real property and property of any kind or nature associated with the project and all water rights associated in any way with the project. The board shall file a statement of the loan, its amount, terms and a description of the project with the county recorder of each county in which the project or any part thereof is located. The county recorder shall record the lien in a book kept for the recording of liens and it shall be indexed as other liens are required by law to be indexed. The lien shall be valid until paid in full or otherwise discharged. The lien shall be foreclosed in accordance with applicable state law governing foreclosure of mortgages and liens as set forth in chapter 1 of title 6, Idaho Code, chapter 13 of title 45, Idaho Code, and related provisions of the statutes of this state.

(f) If an applicant fails to comply with the repayment contract, its interest in the project may be conveyed to a successor upon approval by the board, which may contract with the qualified successor in interest of the original obligor for repayment of the loan, together with the interest thereon, and for succession to its rights and obligations in any contract with the board.

(g) The state shall have a lien on any or all projects which the board improves or renovates with money from the revolving account, and such lien shall be valid and continue in effect until such funds, together with interest thereon, have been paid in full and the lien discharged. The board shall file a statement of the lien, and the lien shall be foreclosed upon all project property and rights as provided in subsection (e) above."

#### CORRECTIONS TO TITLE

On page 1, in line 5, delete "A PROCEDURE FOR FORMATION" and insert: "FOR PETITIONS, TO PROVIDE FOR ELECTIONS"; and in line 8, following "BUDGETS" insert: "; AND AMENDING SECTION 42-1756, IDAHO CODE, TO PROVIDE THAT AN AQUIFER PROTECTION DISTRICT MAY APPLY FOR LOANS FROM THE IDAHO WATER RESOURCE REVOLVING DEVELOPMENT FUND".

#### HOUSE AMENDMENT TO H 714

##### AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 22 through 24 and insert: "any individual or person exempt under section 26-3103, Idaho Code, or employees or agents of any such exempt individual or person, to submit information to, or to participate in, the uniform multistate licensing system.".

#### CORRECTION TO TITLE

On page 1, delete lines 7 and 8 and insert: "TO EXEMPT CERTAIN INDIVIDUALS AND PERSONS FROM INFORMATION AND PARTICIPATION REQUIREMENTS."

#### HOUSE AMENDMENT TO H 735

## AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 36, following "Code," insert: "absent the consent of the owner of the agricultural operation"; and on page 2, in line 12, following "Code," insert: "absent the consent of the owner of the agricultural operation".

## HOUSE AMENDMENT TO H 742

## AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 11 delete "GROUP INSURANCE" and insert: "RISK MANAGEMENT"; also in line 11, delete "insurance" and insert: "risk management"; and in line 12, delete "insurance" and insert: "risk management".

## CORRECTION TO TITLE

On page 1, in line 5 delete "INSURANCE" and insert: "RISK MANAGEMENT".

## HOUSE AMENDMENT TO H 750

## AMENDMENTS TO SECTION 3

On page 5 of the printed bill, in line 34, delete "shall" and insert: "may"; and in line 35, delete "a misdemeanor" and insert: "an infraction".

## CORRECTION TO TITLE

On page 1, in line 10, delete "SHALL" and insert: "MAY"; and in line 11, delete "A MISDEMEANOR" and insert: "AN INFRACTION".

## HOUSE AMENDMENT TO H 705

## AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 42, delete "a majority" and insert: "sixty-six and two-thirds percent (66 2/3%)".

## HOUSE AMENDMENT TO H 702

## AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 40, delete "The"; in line 41, delete "legislature shall appropriate ten million dollars (\$10,000,000) for fiscal"; in line 42, delete "year 2007 to the fund."; and following line 43, insert:

"(5) The board shall be responsible for acceptance of funds from public and private sources, and such funds may be expended pursuant to appropriation to the board for expenditures consistent with this section."

On page 2, in line 1, delete "(5)" and insert: "(6)".

## CORRECTIONS TO TITLE

On page 1, in line 6, delete "WITH A ONE TIME APPROPRIATION OF TEN MIL-"; and in line 7, delete "LION DOLLARS" and insert: ", TO PROVIDE FOR BOARD RESPONSIBILITY".

## HOUSE AMENDMENT TO H 719

## AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete line 15 and insert: "to

department rule."; in line 19, delete "The person" and delete lines 20 and 21 and insert: "The state epidemiologist, in ordering an autopsy pursuant to this section, shall require the person or entity performing the autopsy to report the findings of such autopsy to the department of health and welfare."

## HOUSE AMENDMENT TO H 738

## AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 32 through 35; and on page 3, in line 49, following "2006" insert: ". The final report of the commission shall be due to the director and the legislative health care task force on June 30, 2007".

## HOUSE AMENDMENT TO S 1389

## AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 29, delete "advi-" and in line 30, delete "sorry"; and also in line 30, delete "notify" and insert: "modify".

## AMENDMENTS TO SECTION 3

On page 2, in line 25, delete "not more than fifty percent (50%) nonstate employees or providers of" and in line 26, delete "mental health services" and insert: "no less than fifty percent (50%) family members and consumers with mental illness"; and in line 35, delete "advisory".

## HOUSE AMENDMENT TO H 709

## AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 14 and insert: "tody of the body shall promptly notify either the coroner, who shall notify the appropriate law enforcement agency, or a law enforcement officer or agency, which shall notify the coroner. Pending arrival of ~~the~~ a law enforcement officers, the person"; in line 20, following "notify" insert: "the coroner or"; and delete lines 24 through 27 and insert:

"(3) Any person who, with the intent to prevent discovery of the manner of death, fails to notify or delays notification to the coroner or law enforcement pursuant to subsection (1) of this section, shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term not to exceed ten (10) years or by a fine not to exceed fifty thousand dollars (\$50,000) or by both such fine and imprisonment."

## CORRECTION TO TITLE

On page 1, delete lines 3 and 4 and insert: "REQUIRE NOTIFICATION TO CERTAIN OFFICIALS, TO MAKE A GRAMMATICAL".

We have also had under consideration **H 677**, **H 474**, and **S 1300**, as amended, report progress and beg leave to sit again.

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

**HJM 18**, as amended, **H 650**, as amended, **H 714**, as amended, **H 735**, as amended, **H 742**, as amended, **H 750**, as amended, **H 705**, as amended, **H 702**, as amended, **H 719**, as amended, **H 738**, as amended, and **H 709**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

**S 1389**, as amended in the House, was filed for first reading.

**H 677**, **H 474**, and **S 1300**, as amended, were retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eighth Order of Business.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

##### **HOUSE BILL NO. 788 BY APPROPRIATIONS COMMITTEE AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE COMMUNITY HOSPITALIZATION PROGRAM FOR FISCAL YEAR 2006; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE STATE HOSPITAL SOUTH PROGRAM FOR FISCAL YEAR 2006; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; AND DECLARING AN EMERGENCY.

##### **HOUSE BILL NO. 789 BY EDUCATION COMMITTEE AN ACT**

RELATING TO PUBLIC SCHOOL COURSES OF INSTRUCTION; AMENDING SECTION 33-1612, IDAHO CODE, TO EMPHASIZE THE LOCAL CONTROL OF THE PUBLIC SCHOOL SYSTEM, TO REVISE THE ELEMENTS OF A THOROUGH SYSTEM OF PUBLIC, FREE COMMON SCHOOLS AND TO MAKE TECHNICAL CORRECTIONS.

##### **HOUSE BILL NO. 790 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO IMMIGRATION PRACTICES; AMENDING THE HEADING FOR TITLE 51, IDAHO CODE; AMENDING TITLE 51, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 2, TITLE 51, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PROVIDE EXEMPTIONS, TO PROVIDE FOR REGISTRATION AND CHANGE OF ADDRESS, TO PERMIT NONLEGAL ASSISTANCE AND TO PROVIDE FOR FEES, TO REQUIRE A WRITTEN CONTRACT, TO PROVIDE

REQUIREMENTS AND A RIGHT TO RESCIND, TO PROVIDE PROHIBITED ACTIVITIES AND TO PROVIDE PENALTIES; AND TO PROVIDE SEVERABILITY.

**H 788**, **H 789**, and **H 790** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1332**, as amended, **S 1409**, as amended, and **S 1414**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

**S 1401** and **S 1415**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

#### **Second Reading of Bills and Joint Resolutions**

**H 766** and **H 767**, by Appropriations Committee, were read the second time by title and filed for third reading.

**S 1362** and **S 1375**, by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

**S 1347**, by Transportation Committee, was read the second time by title and filed for third reading.

**H 696** and **H 734**, by State Affairs Committee, were read the second time by title and filed for third reading.

**SJM 118**, by Resources and Environment Committee, was read the second time by title and filed for third reading.

**S 1396**, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

**H 720** and **H 756**, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

**S 1422**, by Finance Committee, was read the second time by title and filed for third reading.

#### **Third Reading of Bills and Joint Resolutions**

**HCR 57** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Boe and Mr. Saylor to open debate.

Mr. Clark asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **HCR 57**. Mrs. Rydaltch objected.

The question being, "Shall **HCR 57** be adopted?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bilbao, Block, Boe, Bolz, Brackett, Cannon, Crow, Deal, Henbest, Jaquet, Kemp, LeFavour, Martinez, Mitchell, Moyle, Nielsen, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Schaefer, Shepherd(2), Smith(30), Smith(24), Smylie, Trail, Wills, Mr. Speaker. Total -- 31.

NAYS -- Anderson, Andrus, Bastian, Bayer, Bedke, Bell, Black, Bradford, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Nonini, Raybould, Ring, Roberts, Rydaldh, Sali, Shirley, Skippen, Snodgrass, Stevenson. Total -- 37.

Absent and excused -- Shepherd(8), Wood. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **HCR 57** failed to be adopted and ordered the resolution filed in the Office of the Chief Clerk.

**HCR 58** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall **HCR 58** be adopted?"

Whereupon the Speaker declared **HCR 58** adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 743** retain its place on the Third Reading Calendar. There being no objection, it was so ordered.

**HCR 59** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson to open debate.

The question being, "Shall **HCR 59** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydaldh, Sali, Sayler, Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Lake, Shepherd(8), Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **HCR 59** adopted and ordered the resolution transmitted to the Senate.

**HCR 60** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **HCR 60** be adopted?"

Whereupon the Speaker declared **HCR 60** adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Denney moved that the House recess until 1:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:15 p.m.

## RECESS

### Afternoon Session

The House reconvened at 1:15 p.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Deal, Wood. Total -- 2.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

**H 743** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Denney and Mr. Bedke to open debate.

The question being, "Shall **H 743** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Ring, Rydaldh, Sali, Schaefer, Shepherd(8), Shirley, Skippen, Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 52.

NAYS -- Boe, Henbest, Jaquet, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Shepherd(2), Smith(30), Trail. Total -- 14.

Absent and excused -- Crow, Roberts, Smith(24), Wood.

Total -- 4.

Paired Votes:

AYE -- Deal.                NAY -- Pence.

AYE -- Kemp.            NAY -- Mitchell.

AYE -- Lake.            NAY -- Sayler.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 743** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

Mr. Lake asked unanimous consent that **S 1416** be returned to the State Affairs Committee. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Denney moved that the House adjourn until 10:30 a.m., Thursday, March 9, 2006. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:33 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk